



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,865	01/29/2002	Masahiro Saito	1602.1007	2433
21171	7590	05/09/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GREENE, DANIEL L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,865

Applicant(s)

SAITO ET AL.

Examiner

Daniel L. Greene

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips U.S. Patent 6,748,195 [Phillips]**

3. As per claims 1, 11, 12, 14, and 16:

The recitations , "A security management apparatus, method, program", and " A program stored..., and A data storage medium readable..." have not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a method, a system, an apparatus, etc. and the portion of the claim following the preamble is a self-contained description of the method or the system, etc., not depending for completeness upon the introductory clause.

Kropa v. Robie, 88 USPQ 478 (CCPA 1951)

Phillips discloses:

a position detecting section detecting a position of said prescribed device; Fig.

3, 310. and

a control unit changing a security level of said prescribed device according to the position of said prescribed device detected by said position detecting section.

Col. 6, lines 49-67.

Phillips discloses the claimed invention except for specifically stating that the "security level" is changed. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to determine that when the operational behavior of the device is change based upon location-based context, Col. 6, lines 49-54, the security level can be or is changed. Further, permitting a user to use or not use a device depending on the location of the device is in fact changing the security level of the device dependent upon location.

As per claim 2:

Phillips does not expressly show a security information storing section storing security levels of said prescribed device in association with positions of said prescribed device, wherein said control unit changes the security level of said prescribed device into one of the security levels stored in said security information storing section based on the position of prescribed device detected by said position detecting section. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Phillips does teach about the use of Profiles to determine the operational behavior of the device. The changing of the operational behavior of the device steps would be performed the same regardless of the data used being identified by security level or profile. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a security information storing section storing security levels of said prescribed device in association with positions of said prescribed device, wherein said control unit changes the security level of said prescribed device into one of the security levels stored in said security information storing section based on the position of prescribed device detected by said position detecting section because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per claims 5 and 18:

Phillips further discloses:

a security information setting section inputting information to be stored in said security information storing section, or changing or deleting contents stored in said security information storing section. Col. 7, lines 3-18.

As per claim 6:

Phillips further discloses:

wherein said security levels each include an object on which security control is performed by said control unit, and a content of the security control. Col. 7, lines 3-18.

Art Unit: 3621

As per claim 7:

Phillips further discloses:

wherein said object on which security control is performed comprises at least one of files, folders, directories and programs handled by said prescribed device.

Col. 7, lines 3-18.

As per claim 8:

Phillip further discloses:

wherein said content of security control on said object comprises a kind of an access right. Col. 7, lines 3-18.

As per claim 9:

Phillip further discloses:

wherein said apparatus is installed in said prescribed device. Fig. 3.

As per claims 10, 13, and 15:

Phillips further discloses:

wherein said control unit comprises an OS, and said prescribed device comprises a personal computer. Col. 3, lines 10-18.

Art Unit: 3621

As per claim 17:

Phillips further discloses:

wherein said positions and said security levels are variable. Col. 6, lines 10-60.

Claims 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips as applied to claim 1 above, and further in view of Irvin U.S. Patent 6,556,819 B2 [Irvin].

As per claim 3:

4. Phillip discloses the claimed invention except for the wherein said security levels stored in said security information storing section are associated with users, and said control unit changes the security level of said prescribed device into one of the security levels stored in said security information storing section based on the position of said prescribed device detected by said position detecting section and one of said users.

5. Irvin teaches that it is known in the art to provide wherein said security levels stored in said security information storing section are associated with users, and said control unit changes the security level of said prescribed device into one of the security levels stored in said security information storing section based on the position of said prescribed device detected by said position detecting section and one of said users. Col. 5, lines 1-12.

Art Unit: 3621

6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the requirements in one of the Profiles of Phillips with the wherein said security levels stored in said security information storing section are associated with users, and said control unit changes the security level of said prescribed device into one of the security levels stored in said security information storing section based on the position of said prescribed device detected by said position detecting section and one of said users of Irvin, in order to not only provide for the use of the device in specific locations but also for the specified user of the device to decrease the ability of unauthorized persons from using the device.

As per claim 4:

Phillip discloses the claimed invention except for wherein said apparatus has a login function capable of receiving and setting said users as corresponding user identifiers.

Irvin teaches that it is known in the art to provide wherein said apparatus has a login function capable of receiving and setting said users as corresponding user identifiers. Col. 5, lines 1-12.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the requirements in one of the Profiles of Phillips with the wherein said apparatus has a login function capable of receiving and setting said users as corresponding user identifiers of Irvin, in order to not only provide for the

use of the device in specific locations but also for the specified user of the device to decrease the ability of unauthorized persons from using the device.

Allowable Subject Matter

7. The Applicants presents limitations in their application that can be considered to distinguish patentably over the art of record in this application, The claims do not teach:

8. a- security levels of the portable terminal in a predetermined table associated with the positions of the portable terminal. The claims interpreted in their broadest meaning, can be seen as providing only two states of operation. It would appear that the Applicants have multiple states of security (more than two) that is determined and incorporated depending where the device is located.

9. b- The Applicants further disclose the limitation of also including the status of the specific user accessing the device.

10. The combination of the two limitations, multiple security levels that determine the access control to files, folders, etc., in conjunction with users having different rights and capabilities creates a two layer security matrix that is original, unique and non-obvious. Combining claims 1, 2, and 3 would provide the basis for possibly an application that is unique, original and non-obvious.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. CANNON ET AL. ENHANCED WIRELESS NETWORK SECURITY USING GPS. Pub. No.: US2002/0094777 A1

12. MacDoran et al. METHOD AND APPARTUS FOR AUTHENTICATING THE LOCATION OF REMOTE USERS OF NETWORKED COMPUTING SYSTEMS U.S. Patent 5,757,916.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/057,865

Page 10

Art Unit: 3621

Daniel L. Greene
Examiner
Art Unit 3621

4/27/2005

John W. Hayes
JOHN W. HAYES
PRIMARY EXAMINER